

What happens to cases which are referred to the district attorney's office?

The Family Protection Unit of District Attorney Timothy J. Cruz's Office receives approximately 300 reports of sexual and physical abuse of children each year. While most of these reports come from DSS, a number also arise from the police and private citizens. The district attorney's office in conjunction with the child's family, counselors, DSS and the police, will decide which of these cases may be prosecuted.

Will I have to appear as a witness in court?

It is possible that a mandated reporter will be called as a witness in the criminal prosecution of an abuse case. It is up to the prosecutor to make that determination.

Will I hear about the outcome of the investigation?

Yes. DSS must send a letter to the mandated reporter informing him or her of the outcome of its investigation.

Will the child's family be told the name of the person who filed the report?

DSS does not identify the reporter, however, the family may become aware of the reporter's name through the course of a criminal investigation.

Remember...

A mandated reporter suspecting abuse must notify DSS immediately by telephone, and follow up with a written report within 48 hours. There are no exceptions!

Mandated Reporting



Office of Plymouth County
District Attorney

Timothy J. Cruz

To file a report- please call:

Brockton Area DSS (508) 894-3700

Plymouth Area DSS 1-800-423-2338

*if you have a question about a possible
abuse case and would like to speak with a
professional about it*

*Call **the statewide DSS hotline** at*

1-800-792-5200

www.mass.gov/da/plymouth



Mandated Reporting



**THE LAW IS CLEAR!
PROFESSIONALS WHO FAIL
TO REPORT SUSPECTED ABUSE
ARE SUBJECT TO CRIMINAL
PROSECUTION AND A \$1,000 FINE**

**Plymouth County
District Attorney
Timothy J. Cruz**

**32 Belmont Street
Brockton, MA 02301**

508-584-8120



A Message from District Attorney Tim Cruz

We, as professionals have a duty to ensure that our children are safeguarded from all types of abuse.

The commonwealth has defined the laws about "mandated reporting" in a clear and concise manner.

There are times however, when questions arise about the role of a professional and the use of this law to protect our children. Professionals who come into contact with children on a daily basis need to recognize their legal obligation to report suspected cases of abuse.

Abuse against a child is one of the most horrendous crimes in our society. In order to achieve a first line of defense, law enforcement and professionals must work together to provide safety measures to ensure the protection of all our children.

I have developed this brochure as a guide to assist you in understanding the laws of "mandated reporting". It is my hope that it will clear up any questions you may have had regarding this important law.

Sincerely,

Timothy J. Cruz
District Attorney

Mass. General Law Chapter 119, Section 51A, defines **MANDATED REPORTERS** as one . . .

". . . who, in his professional capacity shall have reasonable cause to believe, that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall immediately report such condition to the department by oral communication and by making a written report within forty-eight hours after such oral communication."

Who is a mandated reporter?

A mandated reporter is a professional who because of his or her particular employment is likely to have regular contact with children.

The legislature has outlined a number of health care professionals, including doctors, dentists and nurses, as mandated reporters. Teachers, school administrators, guidance counselors, therapists, psychiatrists, psychologists, family counselors, social workers, police, fire fighters and even court personnel are required to report cases of suspected abuse.

In 2002, the language was changed to include: priests, rabbis, ordained or licensed minister of any church or religious body, an accredited Christian Science practitioner. A person performing one or more of the official duties of: a priest, rabbi, ordained or licensed minister of any church or religious body, an accredited Christian Science practitioner. A person or layperson in any church or religious body acting in the capacity as: a leader, official, teacher, delegate or other designated function on behalf of any such church or religious body to supervise, educate, coach, train or counsel a child on a regular basis, are all now designated as mandated reporters.

What are the obligations of a mandated reporter?

Mandated Reporters are required to immediately notify the state Department of Social Services (DSS) whenever they have reasonable cause to believe a child under eighteen years of age may be a victim of abuse.

What happens when I call DSS?

DSS will **screen in** or accept the report if it appears from the information provided that the child is at risk of being abused by a caretaker. If an emergency situation exists, DSS will assign a licensed social worker to investigate the report within 24 hours. If it is not an emergency, the investigation must be completed within 10 days. DSS will then either support, or un-support the referral.

What happens if DSS *un-supports* a referral?

If DSS *un-supports* a referral, it does not necessarily mean that DSS has determined that the abuse did not occur. You should contact DSS for clarification of their decision.

What if I am not sure a child is actually being abused?

The law is designed to always give a child the benefit of the doubt. When you are in doubt, file a report. It could save a life.

Should I notify my superior or a person of authority where I work?

Once you immediately notify the person in charge of your school, hospital or other facility, that person becomes responsible for notifying DSS of the suspected abuse. If your superior **is not** available, **You** must file a report with DSS.

Will I be sued if I report abuse?

Mandated reporters who report suspected abuse are absolutely immune from any liability, civil or criminal, provided they **immediately** report as required by the statute. The provision is designed to encourage mandated reporters to file whenever they suspect a child is at risk.

Can my employer retaliate against me if I file a report with DSS?

No. The law strictly forbids employers from penalizing an employee who files a report to DSS. Any employer who discharges, discriminates or takes any other negative action against his or her employee shall be liable for triple damages and related attorney's fees.

Can I call the district attorney's office directly to report abuse?

Mandated reporters are welcome to contact the Family Protection Unit at **508-584-8120** at any time to inquire about a case. However, you must report suspected abuse to DSS as the law requires.

Do I have to report to DSS if I believe a caretaker is not the abuser?

Yes. The decision as to whether a person is a caretaker is made solely by DSS under the law. An individual does not have the authority to make that particular decision.

Does DSS notify the district attorney's office that a child has been abused?

In certain cases, DSS is required to notify the district attorney. For example, all instances of sexual abuse of children and serious cases of physical violence must be reported to the district attorney's office.